

FREDERICK COUNTY PLANNING COMMISSION October 10, 2012

TITLE: SBA Temple Phase 2

FILE NUMBER: SP-94-06, AP-12734, APFO-12735 & FRO-

12736

REQUEST: Site Plan, AP, APFO, FRO Approval

The Applicant is requesting Phase 2 Site Plan approval for a 51,425 square foot place of worship and 5 single family dwellings for priests and their immediate families as an accessory use to the place of worship, on a 43.73-

acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 10747 Fingerboard Rd

Frederick, MD 21703

Located along MD 80, southwest of Ed McClain Road.

TAX MAP/PARCEL: Tax Map 97, Parcel 1

COMP. PLAN: Agricultural and Natural Resource

ZONING: Agricultural PLANNING REGION: Urbana

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: SBA Temple

OWNER: Evangelical Lutheran Church of Frederick County, Inc.

ENGINEER: Harris, Smariga & Associates, Inc.

ARCHITECT: N/A ATTORNEY: N/A

STAFF: Tolson DeSa

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit #1: Phase 1: Letter of Understanding (LOU) Exhibit #2: Zoning Determination Letter March 20, 2012

Exhibit #3: Loading Space Modification Request Exhibit #4: Parking Space Modification Request

STAFF REPORT

ISSUE

Development Request

The proposed site is located along MD 80, across from Ed McClain Road. The overall site plan shown in Graphic #1 below is proposed to be developed in two phases. Phase 1 includes a 5,210 square foot temple building used for worship and gathering. Phase 1 also includes the construction of the driveway and 49 parking spaces. Phase 1 of the SBA application was reviewed as a Staff Level Type II review; the Applicant transferred the previously approved Evangelical Lutheran Church site plan square footage and parking in order to develop SBA Phase 1.

Phase 2 will consist of the construction of a 51,425 square foot, 2-story place of worship with 179 parking spaces. Phase 2 will also consist of the construction of 5 single family dwellings for priests and their immediate families as an accessory use to the place of worship. The single family dwellings will be located along the western property boundary of the site.

Graphic #1 Site Plan Rendering



The proposed use is being reviewed as a "Place of Worship" land use under the heading of *Institutional* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Agricultural Zoning District subject to site development plan approval.

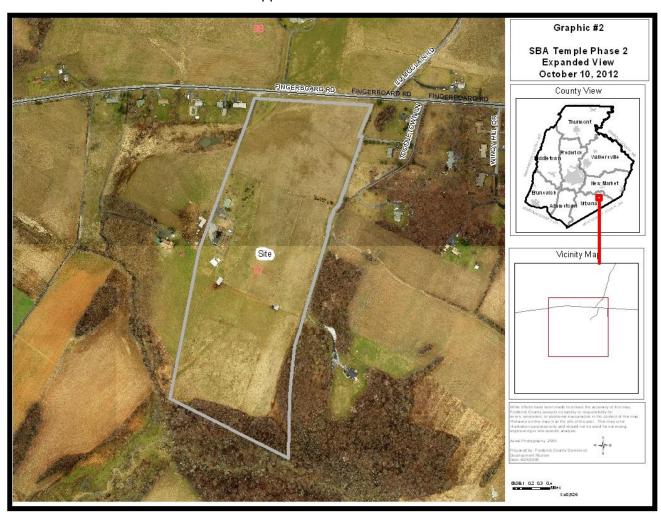
BACKGROUND

Development History

The Frederick County Planning Commission (FCPC) approved an application for the Evangelical Lutheran Church (ELC) SP# 94-06, AP# 7077 for a Place of Worship on this site. The ELC site plan was split into two development phases; the boundaries of the two phases proposed for the SBA application are consistent with the boundaries of the previously approved ELC site plan.

Phase 1 of the ELC application included the approval of up to 5,210 square feet of associated buildings and a 49 space parking area. The site plan and APFO for Phase 1 AP#7077 received FCPC approval on May 14, 2008 and was stamped and signed on September 4, 2008. On October 7, 2009 this application received a three year extension, which extended the approval until September 4, 2013. In 2011, this application received another extension which extended site plan and APFO approval until September 4, 2016.

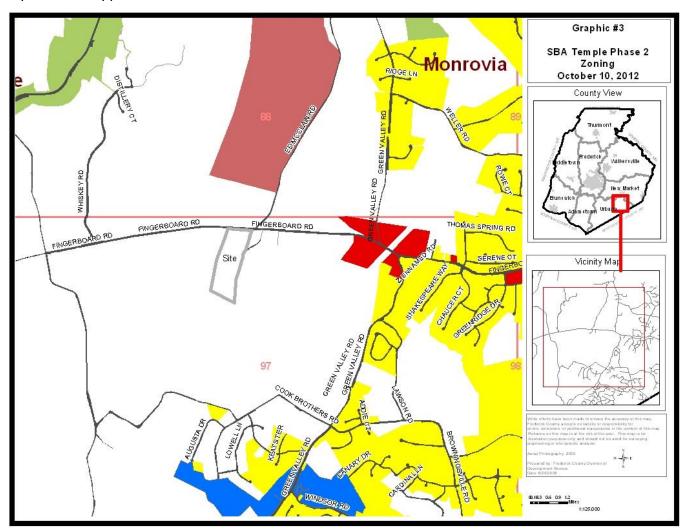
Phase 2 of the Evangelical Lutheran Church proposal included the construction of a 15,974 square foot, 2-story place of worship with 166 parking spaces. The site plan for Phase 2 AP#7455 received FCPC approval on June 12, 2008 for two years, but was never stamped or signed. The current applicant, SBA is proposing an increase in density and intensity over the previously approved ELC Phase 2 site plan, and therefore needs FCPC review and approval.



Existing Site Characteristics

The site is currently zoned Agricultural with a County Comprehensive Plan land use designation of Agricultural and Natural Resource. See Graphic #3 Zoning Map below. The site is currently used as a farm.

The site is currently occupied with a vacant farmstead, consisting of several agriculturally related structures. There are three existing barns, a frame structure, a greenhouse, and a shed is currently located on the site. The three existing barns, frame structure and shed are proposed to be demolished as part of this application.



ANALYSIS

Summary of Development Standards Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings

1. **Dimensional Requirements/Bulk Standards §1-19-6.100**: The site adheres to the setback requirements set forth in the Zoning Ordinance Section 1-19-6.100 for an Institutional land use in the Agricultural zoning district.

Setbacks for all new structures are as follows: Front Yard: 40 feet, Side Yard: 50 feet, Rear Yard 50 feet, with a maximum height of 30 feet.

In accordance with **Zoning Ordinance Section 1-19-6.160.C: Height Modification**: The building height limitations of this chapter do not apply to: (C) Churches, schools, institutional buildings, public utility buildings and structures provided that for each 3 feet by which the height of such structure exceeds the maximum height generally permitted for structures in the district, the required side and rear yards measurements will be increased by an additional foot.

The Phase 2 temple will have an overall height of 108 feet, which is a 78 foot increase over the 30 foot maximum. Therefore, the Phase 2 temple is required to increase side and rear setbacks by 26 feet. The required setbacks in accordance with Section 1-19-6.160.C for the Phase 2 temple are 76' for both the Side and Rear Yards. The proposed setbacks for the Phase 2 temple are as follows; Front Yard: 586 feet, Side Yard: 258 feet, Rear Yard 1575 feet, with a maximum height of 108 feet. Therefore, the site adheres to the required setbacks for the use and district, and allowed height modification.

Five Priest Homes: The Application is proposing 5 priest homes to be located along the western boundary of the site. On March 6th, 2012 the Applicant requested a Zoning determination from the County Zoning Administrator Larry Smith, in order to determine if a maximum of five (5) single family residences for Hindu priests and their immediate families are permitted on the property as an accessory use to the Hindu place of worship proposed on the site.

In a letter dated March 20, 2012 (see attached Exhibit #2), the Zoning Administrator found that the Applicant's proposal for five priest homes is permitted as an accessory use to the Hindu place of worship. The proposed 5 residences are only considered as accessory to the use of the property as a place of Hindu worship, and not for any other use of the property.

In order to provide a better defined property boundary for each of the five residences Staff worked with the Applicant to develop "assumed property boundaries" for each home. A chart of the setbacks is provided on Sheet 3 of the Phase 2 site plan. Staff used the required setbacks for a single family residential property located in the Agricultural zoning district. The setbacks for the priest's homes are as follows: Front Yard: 40 feet, Side Yard: 10 feet, Rear Yard 30 feet, with a maximum height of 30 feet. The 5 priest homes will meet or exceed the setbacks listed above.

1. Signage §1-19-6.300: The site adheres to the signage requirements set forth in Zoning Ordinance Section 1-19-6.320 of the zoning ordinance.

Signage permitted for this site is 32 square feet, with a maximum height of 12 feet.

The Applicant has submitted a proposed sign for Phase 1 which is in accordance with the Zoning Ordinance requirements.

2. Landscaping §1-19-6.400: Landscaping is required in relation to the proposed improvements or additions that are occurring on site. The Applicant has provided the number of required street trees on all street frontages, as well as required parking lot and parking area buffer landscaping in accordance with the Zoning Ordinance. The Applicant has also agreed to place additional landscaping along the eastern property boundary that is adjacent to the closest neighbors, as well as along the western property boundary to the rear of the proposed single family dwellings.

The Applicant is also preserving an existing stand of evergreens in the rear of the property as FRO mitigation.

3. **Lighting §1-19-6.500:** As shown on the site plan submitted by the Applicant the lighting will be a combination of building mounted and 16' tall pole mounted lighting and shall be cast down to prevent glare onto adjoining roads and properties in accordance with Zoning Ordinance Section 1-19-6.500. The Applicant is not proposing any light trespass over 0.5 foot candles at the periphery of the site.

Transportation and Parking §1-19-3.300.4 (B): The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

Findings/Conclusions

1. Access/Circulation: The Applicant is proposing one 60' wide main access point located at the northwest corner of the site. An existing 20' wide gravel access located in the western corner of the property, (the original entrance into the site) will be closed.

In accordance with the recorded plat the remaining frontage along MD 80 is marked as denied access. The main access point is designed to align with relocated Ed McClain Road and will contain an accel lane, decel lane and left turn bypass lane, all to be permitted by the State Highway Administration. Ed McClain Road will be realigned due to a rezoning condition of the McClain Farm for the Green Valley (Lansdale) development.

- 2. Connectivity: This site is not connected to any adjacent parcels.
- 3. Public Transit: This site is not served by Transit.
- **4. Loading Spaces** §1-19-6.210: In accordance with the Zoning Ordinance, 4 large loading spaces are required for the Phase 2 sanctuary. The Applicant has submitted a modification request to reduce the loading space requirement from 4 large spaces to one small 9'x12' loading space. As attached in Exhibit #3, the Applicant has stated that numerous large loading spaces are not necessary because deliveries to the place of worship will be made in a small box truck or van. There will not be any events that require single or multiple tractor trailer deliveries. Staff supports this modification request.
- 5. Vehicle Parking §1-19-6.220: The zoning ordinance currently requires 1 parking space for each 5 seats for place of worship land uses. At the SBA Temple, there are not "seats" nor are there regular worship services. A temple is open from morning to evening, 7 days a week for congregants to come as they please to worship. Therefore, based upon the applicant's site plan the approximately 100 seat sanctuary, would require 20 parking spaces. The Applicant is proposing 179 spaces including 8 ADA accessible spaces for Phase 2.

Zoning Ordinance Section 1-19-6.220.A.1 states: For the purpose of this chapter, the parking space requirements in the following table will apply. Parking shall be limited to the number of spaces required based on an evaluation of each proposed use, hours of operation, and joint or shared parking agreements. An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use.

hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission.

The Applicant has requested a modification in accordance with Section 1-19-6.200.A.1 in order to construct 159 additional parking spaces over the required number of 20 (See Exhibit #4).

The parking requirements as set forth in Section 1-19-6.220 of the Frederick County Zoning Ordinance for Places of Worship requires 1 space for each 5 seats. As noted above, at the SBA Temple, there are not "seats" nor are there regular worship services. A temple is open from morning to evening, 7 days a week for congregants to come as they please to worship.

Special events will be held about 15 times a year with an anticipated 300 people attending over a time period between 1 pm and 6 pm on a Saturday. At the same time, the temples may be available for worship. As vehicles come and go over that time period, there will be an overlap of parking. Vehicles may not have emptied a parking space before others arrive. The 20 spaces required will not be sufficient, therefore, the Applicant has proposed 179 spaces for Phase 2. With the additional parking spaces on site, persons should be able to park in the lot and not resort to any overflow parking. The Applicant is proposing that 18 spaces will be constructed of pervious material. Staff supports this modification request.

- **6. Bicycle Parking** §1-19-6.220 (H): Within this section of the Zoning Ordinance, the bicycle parking table note 1, states that "No bicycle parking is required in Agricultural or Resource Conservation zoning districts unless the specific use is noted in the above table and the proposed site is within 1.2 miles of a designated growth area." The site is located within 1.2 miles of a designated growth boundary. Therefore, based on the bicycle parking space requirement of 1 rack for each 20,000 SF of gross floor area (GFA) for a place of worship, the Applicant is required to place 3 bike racks on site. The Applicant has complied with the bicycle parking requirement.
- **7. Pedestrian Circulation and Safety:** Pedestrian circulation is provided on-site through proposed sidewalks, which connect both Phases of development as well as all respective parking areas.

Conditions:

1. The applicant is requesting parking and loading space modifications to increase parking by 159 spaces over the required 20 spaces, and reduce the loading spaces from 3 large to 1 small space. If the modifications are granted by the Planning Commission, the proposed development will comply with the transportation and parking criteria.

Public Utilities §1-19-3.300.4 (C): Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Findings/Conclusions

1. Private Well and Septic: The site is classified as No Planned Service (NPS) in the Frederick County Water and Sewer Plan. The site has been evaluated and 3 septic areas have been approved for a total of 3,888 gallons per day. In accordance with Health Department regulations the Phase 2 application meets all well and septic needs.

Natural features §1-19-3.300.4 (D): Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the

development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

Findings/Conclusions

- 1. **Topography:** The site sits slightly higher than MD 80; the overall site is very flat.
- 2. **Vegetation:** This site is a previous sod farm and garden center site, the only vegetation is the surrounding buffer area along the periphery of the property. The Applicant intends to preserve the existing vegetation.
- 3. Natural Hazards: Based upon information submitted by the Applicant and available mapping, the site contains wet soils, flooding soils and FEMA Floodplain. The FEMA Floodplain is limited to a small area within the FRO easement area to the rear of the site. The flooding soils are in two main areas; one "finger" runs to the east of the proposed priest homes, while another band runs through a portion of the parking area for the Phase 2 temple. The Zoning Ordinance provides an option for mitigation of flooding soils in section 1-19-9.110.B.7. The Applicant has provided an initial geotechnical report on the property and will continue to work with staff to address this issue and meet zoning ordinance requirements.

Common Areas §1-19-3.300.4 (E): If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

<u>Findings/Conclusions:</u> The site contains approximately 41.91 acres of open space, although there are no formal common areas proposed as part of this development.

Other Applicable Regulations

Stormwater Management – **Chapter §1-15.2:** Stormwater quality will be provided on site in conformance with the 2007 MD Stormwater Design Guidelines. Stormwater quantity will be provided by existing regional facility located between FSK Mall and I-70. The Stormwater Management Concept Plan AP #12531 was approved on 5/29/12.

APFO - Chapter §1-20:

- 1. Schools. This Application is exempt from testing because five homes are proposed.
- 2. Water/Septic. The site is classified as NPS in the Frederick County Water and Sewer Plan.
- 3. Roads: This application is exempt from APFO Roads as the intensity of adjacent roadway and site trip generation is equal to or less than the previously approved APFO finding for the Evangelical Lutheran Church (ELC). The executed but un-satisfied ELC Letter of Understanding (LOU) attached as Exhibit #1, expires on June 11, 2017 (original date of June 11, 2011 plus two 3 year extensions). Based on the terms of the LOU, no building permits for Phase 1 or 2 of this development will be issued until \$27,823 is paid by the applicant toward 3 escrow accounts. These accounts include:
 - 1. Improvement of MD 355 Relocated South of MD 80
 - 2. MD 80/ljamsville Road/Big Woods Road Intersection eastbound left turn lane and
 - 3. MD 75/MD80 Intersection westbound right turn lane

As with the ELC, this site is capped on development that generates no more than 11 weekday PM or 200 Sunday peak hour trips

Forest Resource – Chapter §1-21: A Final Forest Conservation Plan for Evangelical Lutheran Church was approved on November 7, 2007 (AP#3366). Fee in Lieu of plantings was paid in the amount of \$34,608.42 on November 13, 2007. A Forest Resource Deed of Easement/Maintenance Covenants and Agreement was recorded at Liber 7001, Folio 0635 on May 1, 2008. The SBA Temple will be required to pay inspection fees, execute a FIPA, and replace guarantee, prior to grading or building permit whichever is applied for first.

Historic Preservation - Chapter §1-23: Not applicable.

Summary of Agency Comments

Other Agency or Ordinance	Comment
Requirements	
Development Review	Approved
Engineering (DRE):	
Development Review	Conditional Approval upon addressing all agency comments
Planning:	
State Highway	Approved
Administration (SHA):	
Div. of Utilities and Solid	Approved
Waste Mngt. (DUSWM):	
Health Dept.	Approved
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan, APFO and FRO. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Conditions

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

- 1. Address all agency and Staff comments as the plan proceeds through the plan completion process.
- 2. **Parking and Loading Space Modification**: The Applicant has requested a modification in accordance with Section 1-19-6.200.A.1 in order to construct 159 additional parking spaces over the required number of 20. The Applicant has submitted a loading space modification request to reduce the loading space requirement from 4 large spaces to one small 9'x12' loading space.
- 3. The Applicant will work with Staff during the flooding soils mitigation process in order to bring the plan into compliance with Section 1-19-9.100.B.7.

PLANNING COMMISSION ACTION

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission APPROVE [Site Plan SP-94-06] with conditions as listed in the staff report including APFO approval and APPROVAL OF THE REQUESTED LOADING SPACE AND PARKING SPACE MODIFICATIONS for the proposed SBA Temple Phase 2 Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



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FIRST AMENDMENT TO ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING EVANGELICAL LUTHERAN CHURCH

This First Amendment to Adequate Public Facilities Letter of Understanding for the Evangelical Lutheran Church ("First Amendment") is made this ____ day of August 2008, by and between "Evangelical Lutheran Church of Frederick County, Inc." ("Developer"), and the Frederick County Planning Commission ("Commission").

Developer and the Commission entered into a Letter of Understanding ("Original LOU") dated _______, 2008 concerning Phase I of the Evangelical Lutheran Church Project, a 43.72-acre site, which is zoned Agricultural (Ag), located on the South side of MD 80 at its intersection with Ed McClain Road ("the **Property**"). The Phase I improvements are: (a) a temporary trailer for a church office and gathering place for ministry, (b) a picnic pavilion, and (c) two all-purpose recreation fields and associated roads and parking.

This First Amendment concerns Phase II of the Evangelical Lutheran Church Project, which includes a 15,974 square foot house of worship, social hall, offices, youth and media center, amphitheater and reflection trail (collectively the "Worship Center"), the site plan for which was conditionally approved by the Commission on June 11, 2008 ("Site Plan"). The site uses for Phase II are capped at a trip generation rate of 11 P.M. peak hour vehicle driveway trips and 200 Sunday peak hour vehicle driveway trips.

This First Amendment sets forth the conditions and terms that the Commission deems to be the minimum necessary improvements (or the required pro-rata contribution of funds to a road improvement escrow account as discussed in more detail below) for Phase II of the Project to be developed in compliance with the Frederick County Adequate Public Facilities Ordinance ("the APFO"). This First Amendment is in response to a Developer's Option Letter submitted to the Commission dated May 23, 2008.

The Developer hereby agrees and understands that unless the below-described improvements or pro-rata escrow account contributions have been made, development will not be permitted to proceed.

Water and Sewer Improvements

No water or sewer is required to be tested due to the site being served by private well and septic.

Schools |

Schools are not required to be tested because the Project does not contain residential component.

EVANGELICAL LUTHERAN CHURCH: PHASE II, LOU

Page 1 of 3

Road Improvements

A Traffic Impact Study (TIS) dated March 5, 2008 was prepared for Phase II by The Traffic Group (TTG) on behalf of the Developer. The study was submitted at the request of staff in order to assess the adequacy-of public facilities - roads, in accordance with the APFO. The study was reviewed by DPDR staff and Maryland State Highway Administration ("SHA") and found acceptable.

Based upon the TIS and as a condition of the APFO approval of the Site Plan, the Developer has agreed to pay its proportionate contributions to an established escrow account for the improvement of the hereinafter identified intersection pursuant to Section 1-20-12 of the APFO:

 MD 355 Relocated South of MD Route 80 (#21574), a fair share contribution toward that account in the amount of 1.13% of the cost of the roadway improvement, or \$26,961, shall be paid by the Developer, its successors or assigns prior to the issuance of the building permit.

Based upon the TIS and as a condition of the APFO approval of the Site Plan, the Developer has agreed to pay its proportionate contributions to open and establish escrow accounts for the improvement of the hereinafter identified intersections pursuant to Section 1-20-12 of the APFO:

- MD 80/MD 75 intersection, a fair share contribution toward that account in the amount of 0.24% of the cost of the roadway improvement, or \$707.00, shall be paid by the Developer, its successors or assigns prior to the issuance of the building permit.
- MD 80/Ijamsville Road/Big Woods Road intersection, a fair share contribution toward that account in the amount of 0.31% of the cost of the roadway improvement, or \$155.00, shall be paid by the Developer, its successors or assigns prior to the issuance of the building permit.

All terms and conditions of the Original LOU remain in full force and effect.

The APFO approval for development of the site plan for Evangelical Lutheran Church; Phase, II shall be valid for a period of three (3) years from the date of the Planning Commission approval (until June 11, 2011). 2014

Evangelical Lutheran Church of Frederick County, Inc.

Name: The Reverend Albert K. Lane, III, Executive Pastor

Title:

Name: PATALO F MCLITCE
Title: ATTORNEY

EVANGELICAL LUTHERAN CHURCH: PHASE II, LOU

Page 2 of 3

Frederick County Planning Commission

By: Joseph Brown; Chairperson

Date: _ 8- 4-08

Or

Audrey Wolfe, Secretary

0

Date:

Attest:

Gary Hessong

Director,

Division of Permitting & Development Review

1/31/08 KOSW

EVANGELICAL LUTHERAN CHURCH: PHASE II, LOU

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COMMUNITY DEVELOPMENT DIVISION FREDERICK COUNTY, MARYLAND

Office of the Zoning Administrator
30 North Market Street • Frederick, Maryland 21701
301-600-2572 • FAX 301-600-2309 • TTY: Use Maryland Relay
www.FrederickCountyMD.gov/planning

March 20, 2012

Noel Manalo, Esq. Miles & Stockbridge, P.C. 30 West Patrick Street, Suite 600 Frederick, MD 21701

e: Hindu All Pooja Center, Inc. 10747 Fingerboard Road Tax Map 97, Grid 3, Parcel 1 Tax ID# 09-255516, 42.48 acres SP-94-06

To Whom It May Concern,

This office has received your request dated March 6^{sh}, 2012 for a Zoning determination. In your letter you state "...Hindu worship can require a number of priests be in residence at the place of worship. Since the worship involves multiple deities and multiple priests, the scenario is different from the typical Christian scenario where there is one parson or priest in residence at the place of worship. The Applicant is therefore seeking your determination that a maximum of five (5) single family residences for Hindu priests and their immediate families are permitted at the property as an accessory use to the Hindu place of worship use (the "Proposed Accessory Use")."

Priest housing or a parsonage has traditionally been considered by the Zoning Office to be an accessory use to a place of worship. Based on the information provided, and a review of the Zoning Ordinance, I find the Applicants proposal to use five (5) single family dwellings for Hindu priests and their immediate families to be allowable as an accessory use to the Hindu place of worship. The proposed 5 residences are only considered as accessory to the use of the property as a place of Hindu worship, and not for any other use of the property.

Any proposed uses on the property would be subject to any site specific limitations of Frederick County Planning Commission conditions on the site plan, as well as, being subject to all required conditions and approvals from County, State, and Federal regulations.

If you have any further questions or need further assistance, please contact me at 301-600-1491.

Sincerely,

Larry W. Smith Zoning Administrator

Larry W. Smith

cc: File SP-94-06

> Gary Hessong Tolson Desa Justin Horman

September 24, 2012 revised

Modification Request SBA Temple Phase II SP 9406 Hansen 12734

RE: Section 1-19-6.210

At the temple, any delivery of supplies and goods are delivered in a van or small box truck. There is not any event that would require tractor trailer deliveries or several simultaneous deliveries. Only one small loading space is needed.

The request is therefore made to reduce the loading requirements from four large loading spaces to one small loading space.



Planners/Engineers/Surveyors 125 South Carroll Street, Suite 100 Frederick, MD 21701 (301) 662-4488, FAX (301) 662-4906

Revised September 21, 2012

SBA Temple II
Modification of Parking Requirements

The parking requirements as set forth in Section 1-19-6.220 of the Frederick County Zoning Ordinance for Places of Worship requires 1 space for each 5 seats. At the SBA Temple, there are not "seats" nor are there regular worship services. A temple is open from morning to evening, 7 days a week for congregants to come as they please to worship the deities.

Special events will be held about 15 times a year with an anticipated 300 people attending over a time period between 1 pm and 6 pm on a Saturday. At the same time, the temples may be available for worship. As vehicles come and go over that time period, there is an overlap of parking. Vehicles may not have emptied a parking space before others arrive. The 20 spaces required will not be sufficient, therefore, 179 spaces are proposed. With the additional parking spaces on site, persons should be able to park in the lot and not resort to any overflow parking.